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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,221	01/07/2004	Tomonori Ichikawa	2552-000064	5716

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EXAMINER

LOCKETT, KIMBERLY R

ART UNIT PAPER NUMBER

2837

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,221

Applicant(s)

ICHIKAWA ET AL.

Examiner

Kim R. Lockett

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 10-12, 16, 19-25 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8, 9, 13-15, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25, 20, 1-3, 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP02001175246A in view of Caldwell et al (2626345).

JP02001175246A discloses the use of a keyboard musical instrument for generating tones, comprising a cabinet defining an inner space, and having a surface; a keyboard having plural keys(234) selectively depressed for designating pitches of the tones to be generated, and placed on the surface so as to expose the plural keys to the outside of the cabinet; a tone generating system at least partially housed in the cabinet and connected to the keyboard for generating tones at the pitches (see figures 3 and 12) and a display (41) with a carrier in which a document is displayed and a guide rail inside a desk board to permit a user to move said desk board in a direction parallel to the keyboard (see figures 11 and 14). The device as disclosed by JP02001175246A also includes a guide that is hidden and embedded in a component member of the cabinet and base embedded in the component member and formed with a groove extending in said direction and a slider partially inserted into the groove and connected to a part of the desk board so as to permit the desk board to change position along the groove through a sliding motion of the slider (see figure 17).

.JP02001175246A does not disclose the specific use of a music rack.

Caldwell et al discloses the use of a keyboard musical instrument with a moveable music rack(5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard musical instrument as disclosed by JP02001175246A to include the music rack as disclosed by Caldwell et al in order to display musical score because JP02001175246A discloses that his device is ideal for displaying a musical score.

3. Claims 11, 12, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP02001175246A in view of Caldwell et al (2626345) and JP02001242868A.

JP02001175246A and Caldwell et al (2626345) does not disclose the specific use of a tilt mechanism.

JP02001242868A disclose the of a music rack with a tilt mechanism so that a document is inclined (see abstract and figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard musical instrument as disclosed by JP02001175246A to include the music rack as disclosed by Caldwell et al and the tilt mechanism as disclosed by JP02001242868A in order to display musical apparatus according a user's specific needs.

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4. Claims 16, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP02001175246A in view of Caldwell et al (2626345) , JP02001242868A, and Albrecht et al.

JP02001175246A, Caldwell et al (2626345), and JP02001242868A do not disclose the specific use of a drive mechanism.

Albrecht discloses the use of a music rack controlled by a parallel drive mechanism(56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard musical instrument as disclosed by JP02001175246A to include the music rack as disclosed by Caldwell et al, the tilt mechanism as disclosed by JP02001242868A and the drive mechanism as disclosed Albrecht in order to provide an efficient means on control a music rack.

Allowable Subject Matter

3. Claims 4-6, 8, 9, 13-15, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

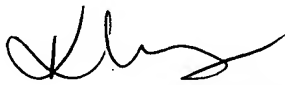
Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.

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For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose telephone number is **800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett** whose telephone number is **(703) 308-7615, after 2/3/04 my new number will be (571) 272-2067**. The examiner can normally be reached on Tuesday through Friday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107.



KIMBERLY LOCKETT
PRIMARY EXAMINER